

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN SENATE JUNE 2, 2011

AMENDED IN ASSEMBLY APRIL 13, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 957

Introduced by Committee on Transportation (Bonnie Lowenthal (Chair), Jeffries (Vice Chair), Achadjian, Blumenfield, Bonilla, Buchanan, Eng, Furutani, Galgiani, Logue, Miller, Norby, Portantino, and Solorio)

February 18, 2011

An act to amend Sections 102051, 102100.2, 102161, 102281, 102332, 102333, 102430, and 102501 of, and to repeal Sections 102102, 102103, and 102580 of, the Public Utilities Code, to amend Sections 188.5 and 525 of the Streets and Highways Code, and to amend Sections 21100.4 and 23123.5 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 957, as amended, Committee on Transportation. Transportation omnibus bill.

(1) Existing law, the Sacramento Regional Transit District Act, creates the Sacramento Regional Transit District, with specified powers and duties relative to providing transit services in the Sacramento region. Existing law provides that the district is comprised of specified cities and unincorporated territories in the Counties of Sacramento and Yolo. Existing law sets forth provisions for transition from the Sacramento Transit Authority to the district and also sets forth provisions applicable to the establishment of the first board of the district.

This bill would provide that the district includes the Cities of Citrus Heights, Elk Grove, Rancho Cordova, and West Sacramento. The bill would delete obsolete provisions relating to the transition from the authority to the district and establishment of the district's first board.

The California Constitution prohibits a local government, as defined, from imposing any special tax unless it is approved by a $\frac{2}{3}$ vote of the electorate. The Sacramento Regional Transit District Act prohibits the district from imposing or collecting any property tax within any city or unincorporated area of a county unless it is approved by a majority of the voters of the city or unincorporated area, as specified.

This bill would make conforming changes to the Sacramento Regional Transit District Act indicating that the district may not impose or collect any property tax within any city or unincorporated area of a county unless it is approved by a $\frac{2}{3}$ vote of the electorate.

Existing law authorizes the Sacramento Regional Transit District, upon the approval of the voters, to incur bonded indebtedness for specified purposes. Existing law prohibits the maximum rate of interest to be paid on those bonds from exceeding either 7% or 8%, as specified.

This bill would prohibit the maximum rate of interest on those bonds from exceeding 8%.

Existing law authorizes the Sacramento Regional Transit District to provide for a retirement system if certain requirements are met.

This bill would authorize the district to establish trust accounts for that purpose.

(2) Existing law requires, commencing January 1, 2004, until completion of the seismic retrofit of specified state-owned toll bridges, the Department of Transportation to provide quarterly seismic reports to the transportation committees of both houses of the Legislature and to the California Transportation Commission for other seismic retrofit programs.

This bill would delete this requirement.

(3) Existing law provides for the California Transportation Commission to adopt locations for state highways on routes authorized by law, and provides for relinquishment of certain segments of state highways from the state to local agencies.

This bill would provide for the relinquishment of all of Route 225 in the City of Santa Barbara under certain terms and conditions.

(4) Existing law authorizes the impoundment of a vehicle operating as a taxicab or other passenger vehicle for hire in violation of licensing requirements adopted by a local authority for a period of 30 days or

less. Existing law requires an impoundment agency to release to the registered owner or his or her agency a vehicle so impounded prior to the expiration of the impoundment period under specified circumstances.

This bill would additionally require the release of an impounded vehicle operating as a taxicab or other passenger vehicle for hire in violation of the licensing requirements if the vehicle is a rental car. Because a violation of this provision is a crime, this bill would impose a state-mandated local program.

(5) Existing law makes it unlawful for a person to drive a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. A violation of this provision is an infraction punishable by a base fine of \$20 for a first offense and \$50 for each subsequent offense.

~~Existing law also provides that a person is not deemed to be writing, reading, or sending a text-based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call.~~

~~This bill would exempt a voice-operated, hands-free device from these provisions and would provide that it would not be a violation of these provisions for a person to otherwise activate or deactivate a feature or function on an electronic wireless communications device.~~

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 102051 of the Public Utilities Code is
2 amended to read:

3 102051. The district may comprise the Cities of Citrus Heights,
4 Elk Grove, Davis, Folsom, Rancho Cordova, Roseville,
5 Sacramento, West Sacramento, and Woodland, and the following
6 described territory of the Counties of Sacramento and Yolo, to the
7 extent they are not included in the above-mentioned cities:

(a) The territory of the County of Sacramento which may be included is described as follows:

(1) Beginning at the northeasterly corner of the Sacramento County line running southeasterly to State Highway Route 50; thence southwesterly along Route 50 to Prairie City Road; thence southeasterly along Prairie City Road to White Rock Road; thence along White Rock Road to Grant Line Road; thence along Grant Line Road to Douglas Road; thence westerly along Douglas Road to Sunrise Blvd.; thence southerly along Sunrise Blvd. to Kiefer Blvd.; thence westerly along Kiefer Blvd. to Excelsior Road; thence southerly along Excelsior Road to Jackson Road; thence northwesterly along Jackson Road to Bradshaw Road; thence southerly along Bradshaw Road to Grant Line Road; thence westerly along Grant Line Road to State Highway Route 99; thence northwesterly along Route 99 to Elk Grove Blvd.; thence westerly along Elk Grove Blvd. to Bruceville Road; thence southerly along Bruceville Road to Bilby Road; thence westerly along Bilby Road to Franklin Blvd.; thence northeasterly along Franklin Blvd. to Elk Grove Blvd.; thence westerly along Elk Grove Blvd. to the intersection of State Highway Route 5; thence northerly along Route 5 to the Sacramento City Limits; thence along the Sacramento City Limits to the Sacramento River; thence along the Sacramento River upstream to the intersection of the Sacramento River and prolongation of San Juan Road; thence easterly along the prolongation of San Juan Road to the Sacramento City Limits; thence along the Sacramento City Limits to Elk Horn Blvd.; thence easterly along Elk Horn Blvd. to the Union Pacific Railroad; thence along the Union Pacific Railroad to Elverta Road; thence easterly along Elverta Road to 16th Street; thence northerly along 16th Street to the Sacramento County line; thence easterly along the Sacramento County line to the point of beginning, and excluding the Cities of Sacramento and Folsom.

(2) Beginning at the southwest corner of the intersection of Route 5 and Power Line Road; thence northerly along Power Line Road to Elverta Road; thence easterly along Elverta Road to Lone Tree Road; thence southerly along Lone Tree Road to Route 5; thence westerly along Route 5 to the point of beginning.

(3) All of that property known as the Sacramento County Metropolitan Airport in Natomas Elkhorn Subdivision and Sec. 36, T. 10 N., R. 3 E., M.D.B. & M. and filed for record the 29th

1 day of January, 1968, at 4:45 P.M., in Book 26 of Surveys, at Page
2 12, in the office of the Sacramento County Recorder.

3 (4) Notwithstanding paragraphs (1), (2), and (3) of this
4 subdivision, the unincorporated territory of the County of
5 Sacramento included in the district shall include the same area as
6 the urban service area proposed to be adopted by the County of
7 Sacramento, as adopted and as hereafter amended.

8 (b) The unincorporated territory of the County of Yolo which
9 may be included is described as follows:

10 (1) Beginning at the northeast corner of Sec. 36, T. 9 N., R. 3
11 E., M.D.B. & M.; thence north $\frac{1}{2}$ mile along the west line of Sec.
12 30, T. 9 N., R. 4 E., to the west $\frac{1}{4}$ corner of Sec. 30; thence east $\frac{1}{2}$
13 mile to the center of Sec. 30; thence north $\frac{1}{8}$ mile, more or less,
14 to the north line of Swamp Land Survey No. 970, the point being
15 on the centerline of Tule Lake Road; thence northeasterly along
16 the north line of Swamp Land Survey No. 970 to the centerline of
17 the Sacramento River; thence easterly and southerly down and
18 along the Sacramento River to the south line of Swamp Land
19 Survey No. 815; thence northwesterly along the south line of
20 Swamp Land Survey No. 815 to its southwest corner; thence
21 northeasterly along the west line of Swamp Land Survey No. 815
22 to a point where it is intersected by the quarter section line running
23 east and west through Sec. 30, T. 8 N., R. 4 E.; thence west $\frac{3}{4}$
24 mile, more or less, to the east $\frac{1}{4}$ corner of Sec. 25, T. 8 N., R. 3
25 E.; thence north $5\frac{1}{2}$ miles, more or less, to the point of beginning.

26 (2) Beginning at the intersection of State Highway Route 113
27 and the Yolo County line southern boundary; thence easterly along
28 the Yolo County line southern boundary to the Davis City Limits;
29 thence meandering along the Davis City Limits to Russell
30 Boulevard; thence westerly along Russell Boulevard to Route 113;
31 thence southerly along Route 113 to the point of beginning.

32 For purposes of this section, any reference to an avenue,
33 boulevard, highway, railroad, road, or street includes the
34 right-of-way thereof.

35 SEC. 2. Section 102100.2 of the Public Utilities Code is
36 amended to read:

37 102100.2. The first board of directors shall consist of seven
38 members appointed within 30 days after the district is formed as
39 provided in Section 102052. Four members of the first board of
40 directors shall be appointed by the City Council of the City of

1 Sacramento. Three members of the first board of directors shall
2 be appointed by the Board of Supervisors of the County of
3 Sacramento.

4 SEC. 3. Section 102102 of the Public Utilities Code is repealed.

5 SEC. 4. Section 102103 of the Public Utilities Code is repealed.

6 SEC. 5. Section 102161 of the Public Utilities Code is amended
7 to read:

8 102161. At any time, any city, county, or other public agency
9 may contract with the district for the performance of services on
10 behalf of the district by the legal counsel, controller or fiscal
11 officer, or treasurer of the city, county, or public agency.

12 SEC. 6. Section 102281 of the Public Utilities Code is amended
13 to read:

14 102281. (a) The district may engage in the business of
15 providing charter bus service, sightseeing service, special school
16 service, and other service, including any other service as may be
17 provided by its predecessor, the Sacramento Transit Authority.

18 (b) No bus equipment which is designed solely for charter
19 service shall be purchased. No intercity model bus shall be operated
20 in charter service; however, nothing in this section shall limit the
21 features and equipment on, or the use of, transit and suburban
22 model buses.

23 (c) The board shall hold a public hearing prior to adopting a
24 charter rate schedule or any amendment thereof. Notice of the
25 hearing shall be mailed at least 30 days in advance to each ~~charter~~
26 ~~party~~ *charter-party* carrier maintaining an office or equipment
27 point within the district, and to each ~~charter-party~~ *charter-party*
28 carrier or representative thereof who has requested, in writing, to
29 be notified of such hearings. A notice shall include the proposed
30 charter rate schedule. At the close of the public hearing, the board
31 may adopt charter rate schedules which shall not be less than the
32 lowest of the three largest private ~~charter-party~~ *charter-party*
33 carriers operating similar service in the district. For any charter
34 service between points within the district, the district may establish
35 a lower minimum charge. The designation “three largest private
36 ~~charter-party~~ *charter-party* carriers” refers to the three carriers
37 with the highest gross revenue generated from charter service
38 originating within the district.

39 (d) A charter trip shall have its origin within the district, and
40 the return trip shall have its destination within the district, unless

1 the district is requested by a private~~-charter-party~~ *charter-party*
2 carrier to provide a trip not having origin and return destination
3 within the district.

4 SEC. 7. Section 102332 of the Public Utilities Code is amended
5 to read:

6 102332. The district shall not levy or collect a property tax
7 within any city or within all or any part of the unincorporated area
8 of any county until:

9 (a) The legislative body of the city or county adopts a resolution
10 declaring there is need for the district to operate and levy a tax
11 within the city or the unincorporated area, or part thereof, of the
12 county.

13 (b) Two-thirds of the voters of the city or the unincorporated
14 area, or part thereof, following the adoption of the resolution under
15 subdivision (a), voting on the question at an election called for
16 that purpose, approves the operation of the district, and the levy
17 of a property tax by the district, within the city or within the
18 unincorporated area, or part thereof, of the county.

19 SEC. 8. Section 102333 of the Public Utilities Code is amended
20 to read:

21 102333. The district may conduct a single election in an area
22 comprising the area of a city and the unincorporated area of a
23 county or more than one unincorporated area of a county or
24 counties, or any combination of those areas, with the approval of
25 the cities and counties concerned, in which event two-thirds of the
26 voters voting at the election shall be sufficient to approve the
27 proposition submitted for the entire area included in the election.
28 Where more than one election will be held, the approval of the
29 voters in one election pertaining to an area may be conditioned
30 upon the approval of voters in one or more other elections
31 pertaining to other areas.

32 SEC. 9. Section 102430 of the Public Utilities Code is amended
33 to read:

34 102430. The district may provide for a retirement system;
35 provided, that the adoption, terms and conditions of any retirement
36 system covering employees of the district represented by a labor
37 organization in accordance with this section shall be pursuant to
38 a collective bargaining agreement between such labor organization
39 and the district. The district may establish trust accounts for the
40 purposes of this section.

SEC. 10. Section 102501 of the Public Utilities Code is amended to read:

102501. Whenever the board deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, or repair of any or all improvements, works, property, or facilities, authorized by this part or necessary or convenient for the carrying out of the powers of the district, or for any other purpose authorized by this part, it shall, by ordinance, adopted by a two-thirds vote of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district; provided the total amount of bonds issued and outstanding pursuant to this article shall not exceed 15 percent of the assessed value of the taxable property of the district as shown by the last equalized assessment rolls of the counties of Sacramento, Placer, and Yolo. The ordinance shall state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of those purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(b) The estimated cost of accomplishing those purposes.

(c) The amount of the principal of the indebtedness.

(d) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 50 years from the date thereof or the date of each series thereof.

(e) The maximum rate of interest to be paid, which shall not exceed 8 percent per annum.

(f) The proposition to be submitted to the voters, which may include one or more purposes.

(g) The date of the election.

(h) The manner of holding the election and the procedure for voting for or against the measure.

(i) The ordinance may also contain any other matters authorized by this part or any other law.

1 SEC. 11. Section 102580 of the Public Utilities Code is
2 repealed.

3 SEC. 12. Section 188.5 of the Streets and Highways Code is
4 amended to read:

5 188.5. (a) The Legislature finds and declares all of the
6 following:

7 (1) The department has determined that in order to provide
8 maximum safety for the traveling public and to ensure continuous
9 and unimpeded operation of the state's transportation network, six
10 state-owned toll bridges are in need of a seismic safety retrofit,
11 and one state-owned toll bridge is in need of a partial retrofit and
12 a partial replacement.

13 (2) The bridges identified by the department as needing seismic
14 retrofit are the Benicia-Martinez Bridge, the Carquinez Bridge,
15 the Richmond-San Rafael Bridge, the San Mateo-Hayward Bridge,
16 the San Pedro-Terminal Island Bridge (also known as the Vincent
17 Thomas Bridge), the San Diego-Coronado Bridge, and the west
18 span of the San Francisco-Oakland Bay Bridge. The department
19 has also identified the east span of the San Francisco-Oakland Bay
20 Bridge as needing to be replaced. That replacement span will be
21 safer, stronger, longer lasting, and more cost efficient to maintain
22 than completing a seismic retrofit for the current east span.

23 (3) The south span of the Carquinez Bridge is to be replaced
24 pursuant to Regional Measure 1, as described in Section 30917.

25 (4) The cost estimate to retrofit the state-owned toll bridges and
26 to replace the east span of the San Francisco-Oakland Bay Bridge
27 is four billion six hundred thirty-seven million dollars
28 (\$4,637,000,000), as follows:

29 (A) The Benicia-Martinez Bridge retrofit is one hundred ninety
30 million dollars (\$190,000,000).

31 (B) The north span of the Carquinez Bridge retrofit is one
32 hundred twenty-five million dollars (\$125,000,000).

33 (C) The Richmond-San Rafael Bridge retrofit is six hundred
34 sixty-five million dollars (\$665,000,000).

35 (D) The San Mateo-Hayward Bridge retrofit is one hundred
36 ninety million dollars (\$190,000,000).

37 (E) The San Pedro-Terminal Island Bridge retrofit is sixty-two
38 million dollars (\$62,000,000).

39 (F) The San Diego-Coronado Bridge retrofit is one hundred five
40 million dollars (\$105,000,000).

1 (G) The west span of the San Francisco-Oakland Bay Bridge
2 retrofit, as a lifeline bridge, is seven hundred million dollars
3 (\$700,000,000).

4 (H) Replacement of the east span of the San Francisco-Oakland
5 Bay Bridge is two billion six hundred million dollars
6 (\$2,600,000,000).

7 (b) It is the intent of the Legislature that the following amounts
8 from the following funds shall be allocated until expended, for the
9 seismic retrofit or replacement of state-owned toll bridges:

10 (1) Six hundred fifty million dollars (\$650,000,000) from the
11 1996 Seismic Retrofit Account in the Seismic Retrofit Bond Fund
12 of 1996 for the seven state-owned toll bridges identified by the
13 department as requiring seismic safety retrofit or replacement.

14 (2) One hundred forty million dollars (\$140,000,000) in surplus
15 revenues generated under the Seismic Retrofit Bond Act of 1996
16 that are in excess of the amount actually necessary to complete
17 Phase Two of the state's seismic retrofit program. These excess
18 funds shall be reallocated to assist in financing seismic retrofit of
19 the state-owned toll bridges.

20 (3) Fifteen million dollars (\$15,000,000) from the Vincent
21 Thomas Toll Bridge Revenue Account.

22 (4) The funds necessary to meet both of the following:

23 (A) A principal obligation of two billion two hundred eighty-two
24 million dollars (\$2,282,000,000) from the seismic retrofit
25 surcharge, including any interest therefrom, imposed pursuant to
26 Section 31010, subject to the limitation set forth in subdivision (c)
27 and subdivision (b) of Section 31010.

28 (B) All costs of financing, including capitalized interest,
29 reserves, costs of issuance, costs of credit enhancements and any
30 other financial products necessary or desirable in connection
31 therewith, and any other costs related to financing.

32 (5) Thirty-three million dollars (\$33,000,000) from the San
33 Diego-Coronado Toll Bridge Revenue Fund.

34 (6) Not less than seven hundred forty-five million dollars
35 (\$745,000,000) from the State Highway Account to be used toward
36 the eight hundred seventy-five million dollars (\$875,000,000) state
37 contribution, to be achieved as follows:

38 (A) (i) Two hundred million dollars (\$200,000,000) to be
39 appropriated for the state-local transportation partnership program
40 described in paragraph (7) of subdivision (d) of Section 164, prior

1 to its repeal by Chapter 622 of the Statutes of 1997, for the 1998–99
2 fiscal year.

3 (ii) The remaining funds intended for that program and any
4 program savings to be made available for toll bridge seismic
5 retrofit.

6 (B) A reduction of not more than seventy-five million dollars
7 (\$75,000,000) in the funding level specified in paragraph (4) of
8 subdivision (d) of Section 164, prior to its repeal by Chapter 622
9 of the Statutes of 1997, for traffic system management.

10 (C) Three hundred million dollars (\$300,000,000) in
11 accumulated savings by the department achieved from better
12 efficiency and lower costs.

13 (7) Not more than one hundred thirty million dollars
14 (\$130,000,000) from the Transit Capital Improvement Program
15 funded by the Public Transportation Account in the State
16 Transportation Fund to be used toward the eight hundred
17 seventy-five million dollars (\$875,000,000) state contribution. If
18 the contribution in subparagraph (A) of paragraph (6) exceeds
19 three hundred seventy million dollars (\$370,000,000), it is the
20 intent that the amount from the Transit Capital Improvement
21 Program shall be reduced by an amount that is equal to that excess.

22 (8) (A) The funds necessary to meet principal obligations of
23 not less than six hundred forty-two million dollars (\$642,000,000)
24 from the state's share of the federal Highway Bridge Replacement
25 and Rehabilitation (HBRR) Program.

26 (B) If the project costs exceed four billion six hundred
27 thirty-seven million dollars (\$4,637,000,000), the department may
28 program not more than four hundred forty-eight million dollars
29 (\$448,000,000) in project savings or other available resources from
30 the Interregional Transportation Improvement Program, the State
31 Highway Operation and Protection Program, or federal bridge
32 funds for that purpose.

33 (C) None of the funds identified in subparagraph (B) may be
34 expended for any purpose other than the conditions and design
35 features described in paragraph (9).

36 (9) The estimated cost of replacing the San Francisco-Oakland
37 Bay Bridge listed in subparagraph (H) of paragraph (4) of
38 subdivision (a) is based on the following conditions:

39 (A) The new bridge shall be located north adjacent to the
40 existing bridge and shall be the Replacement Alternative N-6

1 (preferred) Suspension Structure Variation, as specified in the
2 Final Environmental Impact Statement, dated May 1, 2001,
3 submitted by the department to the Federal Highway
4 Administration.

5 (B) The main span of the bridge shall be in the form of a single
6 tower cable suspension design and shall be the Replacement
7 Alternative N-6 (preferred) Suspension Structure Variation, as
8 specified in the Final Environmental Impact Statement, dated May
9 1, 2001, submitted by the department to the Federal Highway
10 Administration.

11 (C) The roadway in each direction shall consist of five lanes,
12 each lane will be 12 feet wide, and there shall be 10-foot shoulders
13 as an emergency lane for public safety purposes on each side of
14 the main-traveled way.

15 (c) If the actual cost of retrofit or replacement, or both retrofit
16 and replacement, of toll bridges is less than the cost estimate of
17 four billion six hundred thirty-seven million dollars
18 (\$4,637,000,000), there shall be a reduction in the amount provided
19 in paragraph (4) of subdivision (b) equal to the proportion of total
20 funds committed to complete the projects funded from funds
21 generated from paragraph (4) of subdivision (b) as compared to
22 the total funds from paragraphs (6), (7), and (8) of subdivision (b),
23 and there shall be a proportional reduction in the amount specified
24 in paragraph (8) of subdivision (b).

25 (d) If the department determines that the actual costs exceed
26 the amounts identified in subparagraph (B) of paragraph (8) of
27 subdivision (b), the department shall report to the Legislature
28 within 90 days from the date of that determination as to the
29 difference and the reason for the increase in costs.

30 (e) Notwithstanding any other provision of law, the commission
31 shall adopt fund estimates consistent with subdivision (b) and
32 Section 188.6 and provide flexibility so that state funds can be
33 made available to match federal funds made available to regional
34 transportation planning agencies.

35 (f) For the purposes of this section, “principal obligations” are
36 the amount of funds generated, either in cash, obligation authority,
37 or the proceeds of a bond or other indebtedness.

38 SEC. 13. Section 525 of the Streets and Highways Code is
39 amended to read:

1 525. (a) Route 225 is from Route 101 near Santa Barbara to
2 Route 101 near the Santa Barbara Central Business District.

3 (b) Notwithstanding subdivision (a), the commission may
4 relinquish to the City of Santa Barbara the entire Route 225 within
5 the jurisdiction of the city, between the Route 101/225 separation
6 at Las Positas Road and the Castillo Street interchange with Route
7 101, on terms and conditions that the commission finds to be in
8 the best interests of the state, if the department and the city enter
9 into an agreement providing for that relinquishment. The following
10 conditions shall apply upon relinquishment:

11 (1) The relinquishment shall become effective on the date
12 following the county recorder's recordation of the relinquishment
13 resolution containing the commission's approval of the terms and
14 conditions of the relinquishment.

15 (2) On and after the effective date of the relinquishment, Route
16 225 shall cease to be a state highway and shall be ineligible for
17 future adoption under Section 81.

18 SEC. 14. Section 21100.4 of the Vehicle Code is amended to
19 read:

20 21100.4. (a) (1) A magistrate presented with the affidavit of
21 a peace officer or a designated local transportation officer
22 establishing reasonable cause to believe that a vehicle, described
23 by vehicle type and license number, is being operated as a taxicab
24 or other passenger vehicle for hire in violation of licensing
25 requirements adopted by a local authority under subdivision (b)
26 of Section 21100 shall issue a warrant or order authorizing the
27 peace officer or designated local transportation officer to
28 immediately seize and cause the removal of the vehicle. As used
29 in this section, "designated local transportation officer" means any
30 local public officer employed by a local authority to investigate
31 and enforce local taxicab and vehicle for hire laws and regulations.

32 (2) The warrant or court order may be entered into a
33 computerized database.

34 (3) A vehicle so impounded may be impounded for a period not
35 to exceed 30 days.

36 (4) The impounding agency, within two working days of
37 impoundment, shall send a notice by certified mail, return receipt
38 requested, to the legal owner of the vehicle, at an address obtained
39 from the department, informing the owner that the vehicle has
40 been impounded and providing the owner with a copy of the

1 warrant or court order. Failure to notify the legal owner within
2 two working days shall prohibit the impounding agency from
3 charging for more than 15 days' impoundment when a legal owner
4 redeems the impounded vehicle. The law enforcement agency shall
5 be open to issue a release to the registered owner or legal owner,
6 or the agent of either, whenever the agency is open to serve the
7 public for regular, nonemergency business.

8 (b) (1) An impounding agency shall release a vehicle to the
9 registered owner or his or her agent prior to the end of the
10 impoundment period and without the permission of the magistrate
11 authorizing the vehicle's seizure under any of the following
12 circumstances:

13 (A) When the vehicle is a stolen vehicle.

14 (B) When the vehicle was seized under this section for an
15 offense that does not authorize the seizure of the vehicle.

16 (C) When the vehicle is a rental car.

17 (2) A vehicle may not be released under this subdivision, except
18 upon presentation of the registered owner's or agent's currently
19 valid license to operate the vehicle under the licensing requirements
20 adopted by the local authority under subdivision (b) of Section
21 21100, and proof of current vehicle registration, or upon order of
22 the court.

23 (c) (1) Whenever a vehicle is impounded under this section,
24 the magistrate ordering the storage shall provide the vehicle's
25 registered and legal owners of record, or their agents, with the
26 opportunity for a poststorage hearing to determine the validity of
27 the storage.

28 (2) A notice of the storage shall be mailed or personally
29 delivered to the registered and legal owners within 48 hours after
30 issuance of the warrant or court order, excluding weekends and
31 holidays, by the person or agency executing the warrant or court
32 order, and shall include all of the following information:

33 (A) The name, address, and telephone number of the agency
34 providing the notice.

35 (B) The location of the place of storage and a description of the
36 vehicle, which shall include, if available, the name or make, the
37 manufacturer, the license plate number, and the mileage of the
38 vehicle.

39 (C) A copy of the warrant or court order and the peace officer's
40 affidavit, as described in subdivision (a).

1 (D) A statement that, in order to receive their poststorage
2 hearing, the owners, or their agents, are required to request the
3 hearing from the magistrate issuing the warrant or court order in
4 person, in writing, or by telephone, within 10 days of the date of
5 the notice.

6 (3) The poststorage hearing shall be conducted within two court
7 days after receipt of the request for the hearing.

8 (4) At the hearing, the magistrate may order the vehicle released
9 if he or she finds any of the circumstances described in subdivision
10 (b) or (e) that allow release of a vehicle by the impounding agency.

11 (5) Failure of either the registered or legal owner, or his or her
12 agent, to request, or to attend, a scheduled hearing satisfies the
13 poststorage hearing requirement.

14 (6) The agency employing the peace officer or designated local
15 transportation officer who caused the magistrate to issue the
16 warrant or court order shall be responsible for the costs incurred
17 for towing and storage if it is determined in the poststorage hearing
18 that reasonable grounds for the storage are not established.

19 (d) The registered owner or his or her agent is responsible for
20 all towing and storage charges related to the impoundment, and
21 any administrative charges authorized under Section 22850.5.

22 (e) A vehicle removed and seized under subdivision (a) shall
23 be released to the legal owner of the vehicle or the legal owner's
24 agent prior to the end of the impoundment period and without the
25 permission of the magistrate authorizing the seizure of the vehicle
26 if all of the following conditions are met:

27 (1) The legal owner is a motor vehicle dealer, bank, credit union,
28 acceptance corporation, or other licensed financial institution
29 legally operating in this state or is another person, not the registered
30 owner, holding a security interest in the vehicle.

31 (2) (A) The legal owner or the legal owner's agent pays all
32 towing and storage fees related to the seizure of the vehicle. A lien
33 sale processing fee shall not be charged to the legal owner who
34 redeems the vehicle prior to the 15th day of impoundment. Neither
35 the impounding authority nor any person having possession of the
36 vehicle shall collect from the legal owner of the type specified in
37 paragraph (1), or the legal owner's agent, any administrative
38 charges imposed pursuant to Section 22850.5 unless the legal
39 owner voluntarily requested a poststorage hearing.

(B) A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing, storage, and related fees by a legal or registered owner or the owner's agent claiming the vehicle. A credit card shall be in the name of the person presenting the card. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except, for the purposes of this section, credit card does not include a credit card issued by a retail seller.

(C) A person operating or in charge of a storage facility described in subparagraph (B) who violates subparagraph (B) shall be civilly liable to the owner of the vehicle or to the person who tendered the fees for four times the amount of the towing, storage, and related fees, but not to exceed five hundred dollars (\$500).

(D) A person operating or in charge of a storage facility described in subparagraph (B) shall have sufficient funds on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

(E) Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when making agreements with towing companies on rates.

(3) (A) The legal owner or the legal owner's agent presents to the law enforcement agency or impounding agency, or any person acting on behalf of those agencies, a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code; a release from the one responsible governmental agency, only if required by the agency; a government-issued photographic identification card; and any one of the following as determined by the legal owner or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title, whether paper or electronic, showing proof of legal ownership for the vehicle. The law enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require the presentation of any other documents.

(B) The legal owner or the legal owner's agent presents to the person in possession of the vehicle, or any person acting on behalf of the person in possession, a copy of the assignment, as defined

1 in subdivision (b) of Section 7500.1 of the Business and
2 Professions Code; a release from the one responsible governmental
3 agency, only if required by the agency; a government-issued
4 photographic identification card; and any one of the following as
5 determined by the legal owner or the legal owner's agent: a
6 certificate of repossession for the vehicle, a security agreement
7 for the vehicle, or title, whether paper or electronic, showing proof
8 of legal ownership for the vehicle. The person in possession of the
9 vehicle, or any person acting on behalf of the person in possession,
10 shall not require the presentation of any other documents.

11 (C) All presented documents may be originals, photocopies, or
12 facsimile copies, or may be transmitted electronically. The law
13 enforcement agency, impounding agency, or any person in
14 possession of the vehicle, or anyone acting on behalf of them, shall
15 not require any documents to be notarized. The law enforcement
16 agency, impounding agency, or any person acting on behalf of
17 those agencies, may require the agent of the legal owner to produce
18 a photocopy or facsimile copy of its repossession agency license
19 or registration issued pursuant to Chapter 11 (commencing with
20 Section 7500) of Division 3 of the Business and Professions Code,
21 or to demonstrate, to the satisfaction of the law enforcement
22 agency, impounding agency, or any person in possession of the
23 vehicle, or anyone acting on behalf of them, that the agent is
24 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
25 Business and Professions Code.

26 (D) An administrative cost authorized under subdivision (a) of
27 Section 22850.5 shall not be charged to the legal owner of the type
28 specified in paragraph (1) who redeems the vehicle unless the legal
29 owner voluntarily requests a poststorage hearing. A city, county,
30 city and county, or state agency shall not require a legal owner or
31 a legal owner's agent to request a poststorage hearing as a
32 requirement for release of the vehicle to the legal owner or the
33 legal owner's agent. The law enforcement agency, impounding
34 agency, or any other governmental agency, or any person acting
35 on behalf of those agencies, shall not require any documents other
36 than those specified in this paragraph. The law enforcement agency,
37 impounding agency, or other governmental agency, or any person
38 acting on behalf of those agencies, may not require any documents
39 to be notarized. The legal owner or the legal owner's agent shall
40 be given a copy of any documents he or she is required to sign,

1 except for a vehicle evidentiary hold logbook. The law enforcement
2 agency, impounding agency, or any person acting on behalf of
3 those agencies, or any person in possession of the vehicle, may
4 photocopy and retain the copies of any documents presented by
5 the legal owner or legal owner's agent.

6 (4) A failure by a storage facility to comply with any applicable
7 conditions set forth in this subdivision shall not affect the right of
8 the legal owner or the legal owner's agent to retrieve the vehicle,
9 provided all conditions required of the legal owner or legal owner's
10 agent under this subdivision are satisfied.

11 (f) (1) A legal owner or the legal owner's agent that obtains
12 release of the vehicle pursuant to subdivision (e) shall not release
13 the vehicle to the registered owner of the vehicle or the person
14 who was listed as the registered owner when the vehicle was
15 impounded or any agents of the registered owner until the
16 termination of the impoundment period.

17 (2) The legal owner or the legal owner's agent shall not
18 relinquish the vehicle to the registered owner or the person who
19 was listed as the registered owner when the vehicle was impounded
20 until the registered owner or that owner's agent presents his or her
21 valid driver's license or valid temporary driver's license, and an
22 operator's license that is in compliance with the licensing
23 requirements adopted by the local authority under subdivision (b)
24 of Section 21100, to the legal owner or the legal owner's agent.
25 The legal owner or the legal owner's agent or the person in
26 possession of the vehicle shall make every reasonable effort to
27 ensure that the licenses presented are valid and possession of the
28 vehicle will not be given to the driver who was involved in the
29 original impoundment proceeding until the expiration of the
30 impoundment period.

31 (3) Prior to relinquishing the vehicle, the legal owner may
32 require the registered owner to pay all towing and storage charges
33 related to the impoundment and the administrative charges
34 authorized under Section 22850.5 that were incurred by the legal
35 owner in connection with obtaining the custody of the vehicle.

36 (4) Any legal owner who knowingly releases or causes the
37 release of a vehicle to a registered owner or the person in
38 possession of the vehicle at the time of the impoundment or any
39 agent of the registered owner in violation of this subdivision shall

1 be guilty of a misdemeanor and subject to a civil penalty in the
2 amount of two thousand dollars (\$2,000).

3 (5) The legal owner, registered owner, or person in possession
4 of the vehicle shall not change or attempt to change the name of
5 the legal owner or the registered owner on the records of the
6 department until the vehicle is released from the impoundment.

7 (g) Notwithstanding any other provision of this section, the
8 registered owner and not the legal owner shall remain responsible
9 for any towing and storage charges related to the impoundment
10 and the administrative charges authorized under Section 22850.5
11 and any parking fines, penalties, and administrative fees incurred
12 by the registered owner.

13 (h) The law enforcement agency and the impounding agency,
14 including any storage facility acting on behalf of the law
15 enforcement agency or impounding agency, shall comply with this
16 section and shall not be liable to the registered owner for the
17 improper release of the vehicle to the legal owner or the legal
18 owner's agent if the release complies with this section. The legal
19 owner shall indemnify and hold harmless a storage facility from
20 any claims arising out of the release of the vehicle to the legal
21 owner or the legal owner's agent and from any damage to the
22 vehicle after its release, including the reasonable costs associated
23 with defending any such claims. A law enforcement agency shall
24 not refuse to issue a release to a legal owner or the agent of a legal
25 owner on the grounds that it previously issued a release.

26 SEC. 15. Section 23123.5 of the Vehicle Code is amended to
27 read:

28 23123.5. (a) A person shall not drive a motor vehicle while
29 using an electronic wireless communications device to write, send,
30 or read a text-based communication, unless the person is using a
31 voice-operated, hands-free device.

32 (b) As used in this section "write, send, or read a text-based
33 communication" means using an electronic wireless
34 communications device to manually communicate with any person
35 using a text-based communication, including, but not limited to,
36 communications referred to as a text message, instant message, or
37 ~~electronic mail~~ *e-mail*.

38 (c) For purposes of this section, a person shall not be deemed
39 to be writing, reading, or sending a text-based communication if
40 the person reads, selects, or enters a telephone number or name in

1 an electronic wireless communications device for the purpose of
2 making or receiving a telephone call ~~or if a person otherwise~~
3 ~~activates or deactivates a feature or function on an electronic~~
4 ~~wireless communications device.~~

5 (d) A violation of this section is an infraction punishable by a
6 base fine of twenty dollars (\$20) for a first offense and fifty dollars
7 (\$50) for each subsequent offense.

8 (e) This section does not apply to an emergency services
9 professional using an electronic wireless communications device
10 while operating an authorized emergency vehicle, as defined in
11 Section 165, in the course and scope of his or her duties.

12 SEC. 16. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.